DIVISION OF HUMAN RESOURCES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
CLASSIFICATION/COMPENSATION

TEST FOR COMPUTER-RELATED EXEMPTION FROM MINIMUM WAGE
AND OVERTIME PAY STANDARDS (29 CFR, Part 541)

Position Classification: _____ Position Number: _____
Employee Name:
Institution/Division: _____ Department/Unit: _____

The Fair Labor Standards Act (FLSA) considers employees subject to overtime and minimum wage requirements unless their positions have been specifically determined to be exempt. This exemption is based on an evaluation of the employee's duties and responsibilities, which may offer an exemption if the position is considered executive, administrative, professional, professional creative, or in a computer-related occupation (Section 13(a) (1). This document is designed to apply a "test" to determine whether a position is exempt or non-exempt according to FLSA criteria.

For detailed definitions and exemption requirements:
1. click on this website http://www.dol.gov/esa/regs/compliance/whd/fairpay/main.htm
2. click on "Employees in Computer-Related Occupations."

Computer-Related Occupations:

An employee is exempt as computer-related if all conditions are met.

	YES	NO
1. Is the employee compensated, on a salary or fee basis, at a rate not less than $455 per week, or compensated on an hourly basis, at a rate not less than $27.63/hr?		
2. Does the employee occupy a position such as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field?		
3. Do the employee's duties primarily consist of systems (prototypes or machine operating) design, creation, development, documentation, analysis, testing, and/or modification of programs and/or consultation with users to determine hard/software or system functional specifications?		
Discussion: The computer employee exemption does not include those who manufacture or repair hardware and related equipment or whose work is highly dependent on the use of computer hard/software.		

Final Determination

Exempt [   ]   Non Exempt [   ]
                          (subject)

Reviewed: _____ Date: _____
              Signature